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Don M. Newman
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February 10, 2004

Petition for Exemption
Rules Docket (AGC-10)
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

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Sirs:

Enclosed please find three (3) copies of my Petition for Exemption

If you have any questions, please contact me at 727/461-0237.
My fax number is the same.

Thanking you in advance for your consideration of this matter.

Sincerely,

Don M. Newman

February 10, 2004

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Rules Docket (AGC-10)
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

PETITION FOR EXEMPTION

THE RULE FROM WHICH EXEMPTION IS SOUGHT
(FAR. 11.25(b)(3))

Don Melvin Newman, holder of Commercial Pilot and Flight Instructor certificate number 479541, hereby petitions the Federal Aviation Administration for a rules exemption as provided by Section 11.25 of the Federal Aviation regulations. Specifically:

1. Exemption is requested from Section 91.109(a) of the Federal Aviation Regulations to the extent necessary to permit the Petitioner to provide flight instruction in Beechcraft Bonanza type aircraft when those aircraft are equipped with a single, functioning throwover control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the recent flight experience requirements of Sections 61.56(a), 61.56(e), of the Federal Aviation Regulations.
2. Exemption is requested from Section 91.109(a) of the Federal Aviation Regulations to the extent necessary to permit the Petitioner to provide flight instruction in Beechcraft Baron and Travel Air type aircraft when those aircraft are equipped with a single, functioning throwover control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the recent flight experience requirements of Sections 61.56(a), 61.56(e), 61.57(e), and 61.57(d) of the Federal Aviation Regulations.
3. Exemption is requested from Section 91.109(b)(3) of the Federal Aviation Regulations to the extent necessary to permit the Petitioner to provide flight instruction in simulated instrument flight in Beechcraft Baron and Travel Air type aircraft when those aircraft are equipped with a single, functioning throwover control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the recent flight experience requirements of Sections 61.56(a), 61.56(e), 61.57(c), and 61.57(d) of the Federal Aviation Regulations.

The above exemption is requested subject to the following:

1. The pilot receiving the training must be qualified in every respect to serve as pilot in command of the aircraft during the entire training period. During the training period, the pilot receiving the training shall at all times serve as, and remain, pilot in command as defined in Section 1.1 of the Federal Aviation Regulations. The pilot in command must agree to the provisions of this exemptions.
2. The Petitioner when providing instruction under this exemption must be otherwise qualified to serve as flight instructor in a Bonanza, Baron or Travel Air under Sections 61.195(b) of the Federal Aviation Regulations.
3. The Petitioner and the Pilot in Command (pilot receiving training) all must continuously agree the proposed training, under the conditions in evidence at the time, can be conducted safely.
4. This exemption (with provision for extension and/or renewal) is requested to be valid for 24 calender months from the date the exemption is granted OR until the effective date of the amendment to Sections 91.109 and 61.195 of the Federal Aviation Regulations, which ever occurs first.

THE INTERESTS OF THE PETITIONER IN THE ACTION REQUESTED
(FAR 11.25(b)(4))

The membership of the American Bonanza Society is approximately 10,000 persons who own, operate or have an interest in Beechcraft Bonanza, Baron or Travel Air type aircraft. In response to what was perceived as an unacceptable accident rate among Bonanza pilots, in 1983 the ABS developed its Bonanza Profeciency Program. In 1986 the BPPP program was expanded to include Barons and Travel Airs.

The Bppp is a recurrent pilot training program that has served over 6,000 pilots of Bonanzas, Barons and Travel Airs. Research has shown that the accident rate experienced by regular participants in BPPP is less than 1% of the rate of the general pilot population.

The largest majority of Beech Bonanza, Baron and Travel Airs built by Beech Aircraft were equipped with single, throwover control wheels. Consequently, the majority of owners of these aircraft are confronted with either 1) a very expensive conversion of their flight control system to the non-throwover cofiguration, 2) obtaining recurrent training in a rental aircraft (likely not the same class, type or catagory as the aircraft they own), or 3) forgoing recurrent training altogether. None of these three alternatives is in the public interest.

The Petitioner believes it is in the best interest of the affected owners, as well as in the best interest of the public, that the availability of recurrent training be maximized. To this end, obstructions to training availability must be eliminated consistent with acceptable safety practices.

On April 10, 1993 the BPPP, on behalf of the staff instructors, petitioned the Federal Aviation Administration for an exemption from Section 91.109(a) and 109.(b)(3) of the Federal Aviation Regulations (Regulatory Docket No. 27251). The Federal Aviation Administration granted the exemption request on August 30, 1993 (Exemption No. 5733).

Although the BPPP training program is available at approximately twelve locations across the United States each year, the BPPP program is still only capable of accommodating 600-700 pilots a year. The Petitioner believes at best, the BPPP program can serve only 5% of the population of Beech Bonanza, Baron and Travel Air pilots whose aircraft are equipped with a single, throwover control wheels.

In that the Petitioner is fit, willing and able to provide additional recurrent training to Beech Bonanza, Baron and Travel Air owners in addition to those served by BPPP, the Petitioner believes it is in the best public interest that he be permitted to do so. Granting the Petitioner's request will increase the availability of recurrent training in aircraft equipped with single throwover control wheels. Granting this exemption also provides a means of compliance with the regulatory requirements of Part 61 notwithstanding the regulatory obstruction to training posed by the single, throwover control wheel.

Of further interest to the Petitioner; providing training in Bonanza, Baron Travel Air aircraft represents a source of income while continuing to serve the owners of the subject aircraft.

ARGUMENTS IN SUPPORT OF THIS EXEMPTION REQUEST FAR 11.25(b)(5))

The Petitioner believes the intent of FAR 91.109 was to prevent the training of unqualified pilots in an environment in which it is difficult for a minimally qualified instructor to properly discharge the responsibility for the safe operation of the training session. Under the proposed exemption, the Petitioner proposes to conduct only recurrent training of otherwise qualified airmen in a controlled environment. The training will be accomplished by the Petitioner, a flight instructor with more than thirty (30) years and more than 6000 hours piloting experience. Specifically he has over 1000 hours in a Bonanza with a single throwover control wheel.

The Petitioner's exemption petition does NOT result in operations at a level of safety without precedence. Since 1973, Section 61.45(c) of the Federal Aviation Regulations has permitted FAA personnel and Designated Pilot Examiners to conduct pilot certification flight tests in aircraft not equipped with dual controls. Under the proposed exemption, the Petitioner will operate at a level of safety greater than the minimum permitted by FAR 61.45(c).

In the twenty (20) years of the BPPP program, it is estimated that nearly one-half of all Bonanza participants have been served in aircraft equipped with a single throwover control wheel. Since the granting of Exemption 5733, approximately half of the Baron participants in the BPPP program were equipped with a single throwover control wheel. This training has been accomplished entirely successfully and without incident or accident in any way attributable to the use of a single, throwover control wheel configured aircraft. The Petitioner is confident he will maintain this level of performance.

The specific level of control available to a flight instructor in a Bonanza, Baron or Travel Air equipped with a single throwover control wheel is far beyond minimal. The control configuration is such that an instructor ALWAYS has full use of the rudder control in flight. The instructor's access to all engine controls of the aircraft is unaffected by the type of control wheel installed. Full elevator control is available to the instructor in either configuration. The center control column of a Bonanza, Baron or Travel Air is easily accessible to the instructor in a single, throwover control wheel configuration. Manipulation of the center control column affords the flight instructor full elevator control. Additionally, the instructor is afforded a mechanical advantage in elevator manipulation over what is available through a normal single control wheel, the elevator control column is offset and unobstructed. Aileron control is within reach of the instructor (although in front of the PIC) sufficient to affect any additional control inputs necessary during recurrent training or training in simulated IFR flight.

On August 31, 1993 the Federal Aviation Administration amended Section 61.56 of the Federal Aviation Regulations. Prior to that date, the flight review requirement did not specifically require flight instruction be administered as part of the flight review. The flight review was regarded as either satisfactorily completed or not recorded. After August 31, 1993 Section 61.56(a) and (e) specifically REQUIRES that flight instruction be provided as a function of the flight review. Because of the limitations of Section 91.109, the August 31, 1993 amendment to the flight review requirements effectively precludes the operators of approximately 15,000 Bonanza, Baron and Travel Airs equipped with single, throwover control wheels from compliance with Section 61.56 in the aircraft they own and/or operate. The Petitioner believes that this new restriction on the operators of Bonanza,

Baron and Travel Air aircraft was an UNINTENDED CONSEQUENCE of the effort to improve the quality of the flight review. Granting this exemption will return the availability of the flight review to the owners of throwover wheel equipped Beech Bonanzas, Barons and Travel Airs.

Further relating to this petition:

Upon reviewing the exemptions previously granted to other petitioners with similar requests, it is noted that exemptions from Sections 91.109(a) and (b)(3) for the purpose of meeting the recent flight experience requirements of Section 61.57(c) (Instrument Experience), and 61.57(d) (Instrument Proficiency Check) have not been uniformly granted. The reason cited by the FAA when such exemption has not been granted was in at least one case that "The FAA also finds that an exemption from 91.109 to provide training to pilots seeking to meet the requirements of 61.57(d) is not necessary because 91.109(a) and (b)(3) currently allow the petitioner to conduct instrument instruction and simulated instrument flights in aircraft equipped with a single, functioning throwover control wheel." (Reference page two, first paragraph of Exemption No. 7734, Regulatory Docket No. FAA-2002-11499.)

The petitioner notes that Section 91.109(a) and (b)(3) permit instruction and simulated instrument flight only in single-engine aircraft, equipped with a single, functioning, throwover control wheel. Thus, an exemption from 91.109(a) and (b)(3) is necessary to conduct flight instruction and simulated instrument flight in multi-engine aircraft equipped with a single, functioning, throwover control wheel, including Beechcraft Baron and Travel Air type aircraft.

Since flight instruction or simulated flight instruction is required to meet the recent flight experience requirements of Section 61.56(a)(Flight Review), 61.56(e)(FAA-approved pilot proficiency award program), 61.57(c)(Instrument Experience), and 61.57(d)(Instrument Proficiency Check), the petitioner is requesting exemption from 91.109(a) and 91.109(b)(3) for Beechcraft Baron and Travel Air type aircraft in order to assist multi-engine pilots in meeting all four of those specific requirements.

SUMMARY WHICH MAY BE PRINTED IN THE FEDERAL REGISTER
(FAR 11.25(d)(1&2))

1. Don Melvin Newman, holder of Commercial Pilot and Flight Certificate Number 479541 petitions for exemption from Section 91.109(a) of the Federal Aviation Regulations to

to the extent necessary to permit the Petitioner to provide flight instruction in Beechcraft Bonanza type aircraft when those aircraft are equipped with a single, functioning throwover control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the recent flight experience requirements of Sections 61.56(a), 61.56(e) of the Federal Aviation Regulations.

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3. Don Melvin Newman, holder of Commercial Pilot and Flight Instructor Certificate Number 479541 petitions for exemption from Section 91.109(b)(3) of the Federal Aviation Regulations to the extent necessary to permit the Petitioner to provide flight instruction in simulated instrument flight in Beechcraft Baron and Travel Air type aircraft when those aircraft are equipped with a single, functioning throwover control wheel. This exemption is requested to the extent necessary to permit training for the purpose of meeting the recent flight experience requirements of Sections 61.56(a), 61.56(e), 61.57(c), and 61.57(d) of the Federal Aviation Regulations.

CONTACT FOR FURTHER INFORMATION

The Petitioner is:

Don Melvin Newman
One Seaside Lane, #801
Belleair, Florida 33756 Telephone/Fax 727/461-0237

PETITIONER'S SUMMARY

From June, 1969 through the present, I have been a Single-Multi Engine Land Instrument Instructor. I have over one thousand (1,000) hours experience and training in a Bonanza with a single, functioning throwover control wheel. The granting of this exemption will permit the Petitioner to individually provide additional recurrent training to Bonanza, Baron and Travel Air owners and operators.

Due to Section 91.109 of the Federal Aviation Regulations, an unintended consequence of the August 31, 1993 Amendment to Section 61.56 of the Federal Aviation Regulations restricts, indeed precludes, compliance with Section 61.56 of the Federal Aviation Regulations in air craft equipped with a single, throwover control wheel. The Petitioner's requested exemption will again make recurrent training available to owners of Bonanza, Baron and Travel Air type aircraft equipped with a single, functioning throwover control wheel in a manner similar to that in effect prior to August 31, 1993.

The Petitioner's proposal exceeds the minimum level of safety set forth in current regulatory standards. Having recurrent training available in Bonanza, Baron and Travel Air aircraft will continue to have a positive effect on the accident rate of affected owners and operators.

The granting of this exemption is in the public interest.

Sincerely,

Don M. Newman, 479541 CFI
Petitioner